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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BOBBY L. LYNN,

Plaintiff,

Civ. No. 08-1759

v.

JOHN TUCCI, et al.,

Defendants.

**FILED**

AUG 14 2008

MICHAEL E. KUNZ, Clerk  
By g Dep. Clerk

**MEMORANDUM ORDER**

Plaintiff Bobby Lynn seeks to proceed *in forma pauperis* with a civil rights action against several police officers employed by the Lower Merion Township Police Department. Specifically plaintiff complains that he was illegally arrested on December 24, 2007.

Under the Prisoner Litigation Reform Act of 1995, a prisoner who brings a civil action in federal court, even if granted leave to proceed *in forma pauperis*, must pay a \$350 filing fee in full. 28 U.S.C. § 1915(b)(1). At the time of filing his complaint, the prisoner must be charged 20% of the six-month average monthly deposits or balances in his inmate account. *Id.* Thereafter, anytime the balance in his inmate account exceeds ten dollars, another 20% will be withdrawn until such time as the \$350 filing fee is paid in full. 28 U.S.C. § 1915(b)(2). The filing must be paid even if the prisoner's complaint is ultimately dismissed.

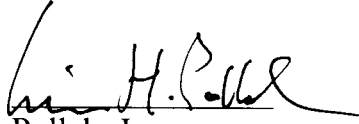
Because plaintiff may not have been aware that he would be required to pay a \$350 filing fee, the court will dismiss his application to proceed *in forma pauperis* without prejudice. If plaintiff wishes to proceed despite the filing fee, he shall so notify the court within 30 days. At that time, his application will be reinstated, and he will become obligated to pay the \$350 filing fee.

Plaintiff should keep in mind that, if he is complaining about an arrest that ultimately resulted in a conviction, it is generally held that convictions may not be challenged through § 1983 civil rights actions. *See Heck v. Humphrey*, 512 U.S. 477, 484-85 (1994).

\* \* \* \* \*

AND NOW, this *11* day of August, 2008, its is hereby ORDERED that plaintiff's application to proceed *in forma pauperis* (Docket No. 3) is DISMISSED without prejudice. If plaintiff would like his application reinstated, he may so notify the court within 30 days. The Clerk is directed to mark this case statistically closed.

BY THE COURT:

  
Pollak, J.